IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

W.P. Nos. 5765, 5769, 5770, 5771, 5772, 5773, 5774, 5775 and 5778 of 2005

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WRIT PETITION NO : 5765 of 2005

Between:

1. K. Rama Krishna Reddy, S/o. Sri K. Bali Reddy,
   R/o. H.No. MIG 337, Temple Street, A.P. Housing Board Colony, Ananthapur.
2. The State Bank of India Workmen Union, Hyderabad Circle, rep. by its General Secretary - Sri T.E.Jayaprakash Rao, S/o. Late Sri T. Subba Rayudu, C/o. State Bank of India, Tilak Road Branch, Tirupathi, Chittoor District.

..... PETITIONERS

AND

1. The State Bank of India, Tirupathi Zonal Office, Tirupathi,
   rep. by its Deputy General Manager.
2. The Asst. General Manager, State Bank of India, Anantapur, Main Branch, Ananthapur.
3. The Assistnat General Manager, Region, V, SBI Zonal Office, Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the transfer of the petitioner from Ananthapur

main branch to Kadiri ADB branch is illegal, arbitrary and discriminatory and consequently set aide the same with further direction to continue the first petitioner at Ananthapur Main Branch and pass other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

WRIT PETITION NO : 5769 of 2005

Between:

1. Ghouse Mohiddin, s/o Sri P.Dastagiri Saheb,
   r/o D.No.7-542, Near ITI, Rahamath Nagar, Anantapur.
2. The State Bank of India, Workmen Union, Hyderabad Circle, rep., by its General Secretary Sri T.E.Jayaprakash Rao, s/o late Sri T.Subba Rayudu, c/o State Bank of India, Tilak Road Branch Tirupathi, Chittoor District.

..... PETITIONERS

AND

1 The State Bank of India, Tirupathi Zonal Office, rep., by its Deputy General Manager.
2 The Assistant General Manager, Region V, State Bank of India, Zonal Office, Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of MANDAMUS or any other appropriate writ declaring the transfer of the petitioner from Kallur Branch to Bukkapatnam Branch is illegal, arbitrary and discriminatory and consequently set aside the same with further direction to continue the first petitioner at Kallur Branch and pass other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

WRIT PETITION NO : 5770 of 2005

Between:

1. B.R. C. Obula Reddy S/o Sri Pedda Obul Reddy
   R/o Produttur, Kadapa District
2. The State Bank of India Workmen union, Hyderabad circle rep by General Secretary sri T.E. Jayaprakash Rao S/o Late Sri. T. Subba Rayudu C/o State Bank of India, Tilak Road branch Tirupathi, Chittoor District

..... PETITIONERS

AND

1 The State Bank of India, Tirupathi Zonal Officer, Tirupathi, rep by Deputy General manager
2 The Assistant General Manager, Region IV, SBI Zonal Office Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or Writ particularly one in the nature of Writ of Mandamus or any other Appropriate Writ declaring the transfer of the petitioner from Produttur branch is illegal, arbitrary and discriminatory and consequently set a side the same with further direction to continue the first petitioner at Produttur Branch and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

WRIT PETITION NO : 5771 of 2005

Between:

1. M.Venu Gopala Rao, S/o.Late Dr.M.V.Naidu
R/o.H.No.11-13-20 Upstairs Sammetavari Street, Vijayawada.
2. The State Bank of India Workmen Union, Hyderabad Circle rep. by its General Secretary Sri T.E.Jayaprakash Rao S/o.Late Sri T.Subba Rayudu, C/o.State Bank of India, Tilak Road Branch, Tirupathi, Chittoor District.

..... PETITIONERS

AND

1 The State Bank of India, Zonal Office, Vijayawada, rep. by its Deputy General Manager.
2 The Assistant General Manager, Region III (Krishna District), SBI Zonal Office, Vijayawada Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the transfer of the petitioner from Governorpet branch to Putrela branch is illegal, arbitrary and discriminatory and consequently set aside the same with further direction to continue the first petitioner at Governorpet Branch and pass other order or orders.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

WRIT PETITION NO : 5772 of 2005

Between:

1. M.Narsimlu, s/o late Sri N.Jayaramula Naidu,
   Staff Training Centre, Tirupati, r/o Behind SBI STC, Bye Pass Road,
   Tirupati.
2. The State Bank of India Workmen Union, Hyderabad Circle rep., by its General Secretary Sri T.E.Jayaprakash Rao, s/o late Sri T.Subba Rayudu, c/o State Bank of India, Tilak Road Branch, Tirupathi, Chittoor District.

..... PETITIONERS

AND

1. The State Bank of India, Tirupathi Zonal Office, Tirupathi, rep., by its Deputy General Manager.
2. The Assistant General Manager, SBI Staff Training Centre, Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the transfer of the petitioner from Staff Training Centre, Tirupati to Tirupati Main Branch is illegal, arbitrary and discriminatory and consequently set aside the same with further direction to continue the first petitioner at Staff Training Centre, Tirupati Main Branch and pass other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

WRIT PETITION NO : 5773 of 2005

Between:

1. J. Anjaneyulu, S/o. Ramanaiah,
   R/o. Proddutur, Kadapa District.
2. The State Bank of India, Workmen Union, Hyderabad Circle,
   rep. by its General Secretary Sri T.E. Jayaprakash rao, S/o. Late Sri T. Subba Rayudu, C/o. State Bank of India, Tirupathi, Chittoor District.

..... PETITIONERS

AND

1 The State Bank of India, Tirupathi zonal Office, Tirupathi,
Rep. by its Deputy General Manager.
2 The Assistant General Manager, Region IV, SBI Zonal Office, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the transfer of the petitioner No.1 from Produttur branch to Nandimandalam branch is illegal, arbitrary and discriminatory and consequently set aside the same with further direction to continue the first petitioner at Produttur Branch and pass other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADHAVA REDDY

WRIT PETITION NO : 5774 of 2005

Between:

1. P. Veerabhadra Reddy S/o Raghava Reddy
R/o 1-791, Near Nirmal Nursing Home, Rudrampeta, Bye Pass Road, Ananthapur
2. The State Bank of India Workmen Union Hyderabad Circle rep by General Secretary Sri T.E. Jayaprakash Rao S/o Late Sri T. Subba Rayudu C/o State Bank of India, Tilak Road, branch Tirupathi, Chittoor District

..... PETITIONERS

AND

1 The State Bank of India, Tirupathi Zonal Officer, Tirupathi rep by Deputy General Manager.
2 The Assistant General Manager, Region V, SBI Zonal Office, Tirupathi Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or Writ particularly one in the nature of Writ of Mandamus or any other Appropriate Writ declaring the transfer of the petitioner from Gandhi Bazar branch Ananthapur is illegal, arbitrary and discriminatory and consequently set a side the same with further direction to continue the first petitioner at Gandhi Bazar Branch Ananthapur and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

WRIT PETITION NO : 5775 of 2005

Between:

1. S.M.D.Saleem Basha, S/o.S.Zameeruddin,
   State Bank of India, Anantapur Main Branch, D.No.18-38, Besides Siddiquia Mosque, Near Neelam Talkies, Old Town, Anantapur.
2. The State Bank of India Workmen Union, Hyderabad circle rep. by its General Secretary Sri T.E.Jayaprakash Rao, S/o.Late Sri T.Subba Rayudu, C/o.State Bank of India, Tilak Road Branch Tirupathi, Chittoor District.

..... PETITIONERS

AND

1 The State Bank of India, Tirupathi Zonal office, Tirupathi, rep.by its Deputy General Manager.
2 The Assistant General Manager, State Bank of India, Anantapur Main Branch, Ananthapur.
3 The Assistant General Manager, Region V, SBI Zonal Office, Tirupathi Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the transfer of the petitioner from Ananthapur main branch to Bukkapatnam Branch is illegal, arbitrary and discriminatory and consequently set aside the same with further direction to continue the first petitioner at Ananthapur Main Branch and pass other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

WRIT PETITION NO : 5778 of 2005

Between:

1. D. Radha Krishnaiah, S/o. Late Sri Narayanapa,
   R/o. H.No. 28-3-380, Second Main, Sharadanagar, Anantapur - 515 001.
2. The State Bank of India Workment Union, Hyderabad Circle Rep by its General Secretary Sri T.E. Jayaprakash Rao, S/o. Late Sri T. Subba Rayudu, C/o. State Bank of India, Tilak Road Branch, Tirupathi, Chittoor District.

..... PETITIONERS

AND

1 The State Bank of India, Tirupathi Zonal Office, Tirupathi, Repby its Deputy General Manager
2 The Assistant General Manager, State Bank of India, Anantapur, Main Branch, Ananthapur .
3 The Assistant General Manager, Region V, SBI Zonal Office, Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of MANDAMUS or any other appropriate writ declaring the transfer of the petitioner from Anantapur main Branch to Kadiri branch is illegal, arbitrary and discriminatory and consequently set aside the same with further direction to continue the first petitioner at Ananthapur Main Branch and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

The Court at the admission stage made the following:

The Hon'ble Sri Justice

K.C. Bhanu

W.P. Nos. 5765, 5769, 5770, 5771, 5772, 5773, 5774, 5775 and 5778 of 2005

COMMON ORDER:

The petitioners in all these writ petitions challenge the respective transfer orders from one branch to another branch as

illegal, arbitrary and discriminatory.

The 1st petitioner W.P. 5765 of 2005 was transferred to Anantapur main branch on 17.4.2003. Even before completion of two years of service at Anantapur he was sought to be transferred to Kadiri ADB in Anantapur District vide proceedings dated 15.1.2005. The 1st petitioner in W.P. 5769 of 2005 was transferred from Kallur Brnach to Bukkapatnam Branch. The 1st petitioner in W.P. 5770 of 2005 was transferred from Proddatur to Kamalapuram Branch vide orders dated 30.12.2004. The 1st petitioner in W.P. 5771 of 2005 was transferred from Governorpet, Vijayawada to the Branch Office at Putrela vide transfer orders dated 6.1.2005. The 1st petitioner in W.P. 5772 of 2005 was transferred from Staff Training Center, Tirupati to Tirupati Main Branch vide transfer orders dated 18.1.2005. The 1st petitioner in W.P. 5773 of 2005 was transferred from Proddatur Branch to Nandimandalam Branch vide transfer orders dated 30.12.2004. The 1st petitioner in W.P. 5774 of 2005 was transferred from Gandhi Bazar, Anantapur to Bukkapatnam. The 1st petitioner in W.P. 5775 of 2005 was transferred from Anantapur Main Branch to Bukkapatnam vide transfer orders dated 15.1.2005. The 1st petitioner in W.P. 5778 of 2005 was transferred from Anantapur Main Branch to Kadiri Main Branch vide transfer orders dated 15.1.2005.

In all these petitions, the challenge is with regard to respective transfer orders of petitioner No.1 in each of the writ petitions as contrary to the Memorandum of Settlement dated 22.7.2003 entered into between State Bank of India and All India State Bank of India Staff Federation (for short, ‘Staff Federation’).

Therefore, the question involved in all these petitions is whether the transfers are effected contrary to the settlement in between State Bank of India and Staff Federation. Therefore, the pleadings in one writ petition may suffice for disposal of all these writ petitions.

It is stated by the petitioners that the transfer orders are irrational, arbitrary and contrary to redeployment/transfer policy enunciated in the settlement dated 22.7.2003 and the policy guidelines dated 28.12.2004 notified by the Central Office of the Bank. It is the further case of the petitioners that with a view to bring about uniformity in respect of workmen staff transfers and redeployment within the administrative circles of the bank, the All India policy was evolved and reduced into writing by way of Memorandum of Settlement dated 22.7.2003. In pursuance of the settlement entered into between the State Bank of India and the Staff Federation, the consequential guidelines were issued by the Central Office. Therefore those guidelines cannot be deviated by the subordinate local, zonal and regional offices. Thus, the issuance of transfer orders by respondents 1 and 2 in deviation of the procedure prescribed has to be deprecated and declared as void *ab initio*. It is the further case of the petitioners that the office bearers of the Union were not attending to the problems of the members and were acting against the interest of the members, which resulted in many of the members leaving the staff union. At that stage, keeping in view the interest of the employees of the State Bank of India, the petitioners and some others formed into a welfare association. Ever since the formation, the office bearers of the Staff Union and the Management started victimizing and terrorizing the activists and sympathizers of the Welfare Association. The office bearers of the Staff Union have

also colluded with the Management for initiating disciplinary action on flimsy grounds. The 2nd petitioner in all these writ petitions is a Registered Trade Union. As per the transfer policy, the redeployment/transfer will be done in the descending order of stay at the Center and the employees identified in terms of the descending order of length of stay will be redeployed/transferred depending upon the banks needs and requirements. The redeployment/transfer has to be done on the basis of longest stay at the Branch or a Center following the principle of first come first go. The redeployment/transfer is to be made for a period of two years for a difficult center and 3 to 5 years for other centers. Ignoring the transfer guidelines the bank management with the collusion of the office bearers of the Staff Union resorted to indiscriminate transfers of the members and sympathizers of S.B.I. Officers Welfare Association. It is further stated that no seniority list was prepared in terms of the guidelines. Thereafter, most of the petitioners gave representations. In some of the cases, though some employees are working they have not been transferred. Therefore the respondents have not followed the policy of first come first go. The transfers were effected at the instance and pressure of the office bearers of the union and therefore the transfers cannot be treated as made in accordance with the circular guidelines. Hence the present writ petitions.

The respondents filed a detailed counter affidavit stating that there is no breach of any statutory provision or regulation. The State Bank of India Staff Union, Hyderabad is not made as a party, still the petitioners have chosen to make allegations against the said Union. The Assistant General Manager as the competent authority

has taken administrative decision to transfer the petitioners from one place to another on administrative grounds. The redeployment/transfer policy which was circulated to the local Head Office and the Zonal Office only on 5.1.2005 and 22.1.2005 respectively i.e. much after the transfer orders. The petitioners' transfers were done on administrative grounds but not under redeployment/transfer policy as stated by the petitioner. It is a fact that the recognized union entered into settlement with the Bank dated 22.7.2003 but the operative guidelines have been finalized and issued by the corporate office only on 20.12.2004 and the same were received on 22.1.2005. The petitioners transfer was not effected under the redeployment/transfer policy, instead, the same was done on administrative exigency in view of opening of new branches and on account of acute shortage of staff at rural and semi-urban branches. Further, the operational guidelines do not have prospective effect. The respondents are not aware of formation of State Bank of India Employees Welfare Association. In pursuance of the operational guidelines, the bank is yet to prepare the centerwise seniority list in descending order for implementation of the redeployment/transfer policy and the same was required to be done by 31.3.2005. The Bank is yet to complete the exercise and so far no transfers under the redeployment/transfer policy have been effected. The Staff Union is nothing to do with the transfer orders of the petitioners. The requirement of preparation of seniority list of staff is only under the redeployment/transfer policy and not in the case of administrative transfers. The petitioners have not been singled out and number of other employees numbering about 30 have been transferred on administrative grounds during the material period to

meet the administrative exigencies and to salvage the acute staff shortage at some of the branches and ensure smooth functioning of the branches. The guidelines of redeployment/transfer are not applicable to the petitioners. With a *mala fide* intention to avoid the administrative transfers the petitioners are venturing on illogical interpretations. The petitioners were already relieved and hence the writ petitions are misconceived and deserve to be dismissed.

The main ground of attack on the transfer of the petitioners by the learned counsel for the petitioners is that it is contrary to the Memorandum of Settlement dated 22.7.2003 and the respondents 1 and 2 did not follow the procedure prescribed for effecting transfers. The respondents with the active instigation of office bearers of State Bank of India Staff Union started victimizing and terrorizing the petitioners and other sympathizers. They have not prepared the seniority list so as to identify the persons on the policy of first come first go and some of the persons in the same cadre of the petitioners have not been disturbed and some of the petitioners who have crossed 57 years have also been transferred contrary to the settlement and hence he prays to set aside the same.

On the other hand, learned standing counsel for the respondents contended that the transfers of the petitioners have been effected only on administrative exigencies and the transfers were not under redeployment/transfer policy. The petitioners have not been singled out and the operational guidelines are yet to be implemented because the bank is yet to complete the exercise in preparing the centerwise seniority list in descending order for

implementation of redeployment/transfer policy and therefore there are absolutely no grounds to interfere with the transfer orders. Hence, he prays to dismiss the writ petitions.

It is not in dispute that a Memorandum of Settlement dated 22.7.2003 was entered in between State Bank of India and All India State Bank of India Staff Federation where under certain guidelines have been framed for redeployment/transfer policy among the staff members. That settlement was arrived in between the employer and employee under Section 18(1) of the Industrial Disputes Act. Under Section 18(1) of the said Act, a settlement arrived at by agreement between the employer and workmen otherwise in the course of conciliation proceedings shall be binding on the parties to the agreement. Therefore, both the parties are bound by the settlement dated 22.7.2003 which is having a statutory force. The said settlement shall be binding on the parties for a period of 5 years from the date of its commencement. Therefore, there cannot be any difficulty in holding that both the petitioners and the respondents are bound by the terms of settlement. It is also not in dispute that originally the petitioners are the members of State Bank of India Staff Union, Hyderabad Circle. It is the case of the petitioners that on 28.5.2004 the petitioners and some others have formed a welfare association called State Bank of India Employees Welfare Association, Hyderabad Circle. About formation of that association, the contention of the respondents is that they are not aware of formation of the welfare association.

There cannot be any dispute that transfer is not only an incidence of service but also one of the service conditions. An

employee has no legal right to be posted forever at any one particular place or at the place of his choice since transfer of a particular employee appointed to a class or category of transferable post from one place to another is not only an incidence but a condition of service, necessary to in public interest and efficiency in the administration. Unless an order of transfer is shown to be an outcome of *mala fide* exercise of power or stated to be in violation of statutory provisions prohibiting such transfers or the authority who passed the order of transfer lacks jurisdiction, normally courts cannot interfere while exercising the extraordinary jurisdiction.

In view of the statutory settlement, a policy with regard to the redeployment/transfer is evolved. The following are some of the policy guidelines in pursuance of settlement for effecting redeployment/transfer:

> "1. The Bank may at its discretion, identify number of employees, category and designation-wise to be redeployed/transferred from each branch/office to meet its requirements arising on account of changes in work and work processes and to meet the needs of handling new items of work, operational efficiency, productivity and to meet deficit in staff complement identified by the bank.
>
> 2. The number and names of employees identified/selected by the Bank for various purposes and activities like centralized processing units, call centers, marketing of various services/products loan recovery, customer call or servicing customer need/demand etc will be based on a selection system to be decided by the Bank at its discretion and will be located/posted as per Bank's needs and requirements.
>
> 3. Where the redeployment/ transfer/

placement at the same center is intended to fill up deficit in staff requirements or for purposes other than item 2 above, the employee who have put in longer stay at the branch will be identified for transfer. However, typists, stenographers or employees required for secretarial work will be selected/identified on the basis of suitability for the job to be performed.

4. Where the employees are to be redeployed/transferred outside the Centre for needs and requirements other than described in clause (2) and (3) above the redeployment/transfer will be done in descending order of length of stay at center.

5. The employees identified in terms of clause 4 above, may be redeployed/transferred depending upon the Bank's needs and requirements in the following order:

a. within the Region/District

b. other contiguous Regions/District

c. within the Zone.

In circles where it becomes necessary to redeploy/transfer staff to other zones i.e. beyond the Zone, the employee will be redeployed/transferred as per Bank's discretion to contiguous Zones or anywhere within the Circle.

6. The period of redeployment/ transfer will be as under:

i. Difficult places as per norms decided by the Bank – 2 years.

ii. Other places – 3 to 5 years.

7. (i) Employees above 57 years of age will be exempted from redeployment/transfer. In case an employee

> less than 57 years of age is redeployed, he will be transferred to a center of his preference in terms of clause 8 below.
>
> (ii). In respect of physically handicapped, their redeployment/transfer will be done as per extant guidelines.
>
> (iii) Employees affected by serious ailments will be posted at a center where treatment of serious ailment is available.
>
> 8. An employee redeployed under this policy will be transferable to a center of his preference including previous center of posting on completion of his tenure subject to availability of vacancy and replacement being made available to the branch/office of his present posting by redeployment/transfer".

So, from the above policy it is clear that the bank may in its discretion to meet the deficit in staff can identify the number of employees so as to transfer/redeploy from one branch to another. It further reveals that the employee who has to put up longer stay at the Branch will be identified for transfer. So, the redeployment/transfer will be done in descending order of length of stay at center. Such redeployment/transfer may be (a) within the Region/District, (b) other contiguous Regions/Districts and (c) within the Zone. The period of redeployment/transfer will be two years at difficult places and 3 to 5 years at other places. The employees above 57 years of age will be exempted from redeployment/transfer. In pursuance of the above settlement, certain operational instructions have been issued by the Corporate Office to the transferring authorities in Proc. No. 1526/KRM dated 28.12.2004 where under certain instructions have been issued with regard to scope of redeployment/transfer, preparation of lists for redeployment/transfer, period of redeployment/transfer within the

centers and exceptions.

It is contended by the learned counsel for the petitioners that the transfer orders are contrary to the settlement dated 22.7.2003 and the operational guidelines issued by the Corporate Office dated 28.12.2004 on the ground that the employees who have completed 57 years as on the date of transfer would not be transferred under the said policy and so also the redeployment or transfer of the employees from one branch/office to outside the center would be on the basis of length of stay at the center and will be based on the principle of first come first go. The periodicity of redeployment/transfer is two years in respect of difficult centers and minimum of 3 to 5 years to any other center. But it is the specific case of the respondents that the operational guidelines with regard to redeployment/transfer policy in pursuance of the settlement dated 22.7.2003 were circulated to the local head office on 5.1.2005 and the zonal office received the same on 22.1.2005 whereas the transferring authority effected the transfers of the 1st petitioner in all the cases on administrative grounds. It is not a case of transfer under redeployment/transfer policy. The same is not denied or disputed by the petitioners by filing reply affidavit. It is the specific case of the respondents that the petitioners' transfer was done on administrative grounds but not under redeployment/transfer policy since the operational guidelines have been received after the transfer orders. In pursuance of the operational guidelines the bank is yet to prepare the centrewise seniority list in descending order for implementation of the redeployment/transfer policy and the same was required to be done by 31.3.2005. As per the operational guidelines, the transferring authority should send the statement to Industrial

Relations Department on quarterly basis starting from 31.3.2005 in regard to the transfers/redeployments made during the quarter on the lines of format. Though the operational guidelines made it clear that the list of employees categorywise, branch or centrewise in descending order as on 1st August of each year has to be made as on 1st January 2005 and thereafter redeployment/transfer should be carried out as per the needs of the Circles to the deficient branches, since those guidelines have been received lately by the transferring authorities in all these writ petitions they have not effected the transfers basing on the settlement or the operational guidelines issued thereafter. Therefore, the transfer orders are issued contrary to the terms and conditions of the settlement or its operational guidelines. It is a fact that if the contention of the petitioners is accepted, then the redeployment/transfer orders violate the settlement and its operational guidelines but at the same time it is the specific case of the respondents that the transfers were made on administrative exigencies but not basing on the settlement. Therefore, at this stage it cannot be said that the respondents have violated the guidelines under the settlement dated 22.7.2003 in effecting transfers. Hence the contention of the learned counsel for the petitioners is wholly untenable and devoid of merit as it is not prima facie proved or established that the transfers are made in accordance with the settlement dated 22.7.2003. The transfer orders are not shown to be contrary to the rules governing the service conditions of the petitioners.

Now, with regard to *mala fides,* it is stated that the

petitioners and some others formed State Bank of India Employees Welfare Association on 28.5.2004 and thereafter the office bearers of the Staff Union have colluded with the management by initiating the transfers and therefore the petitioners became the victims at the hands of the office bearers of the Staff Union. The respondents state that they are not aware of the formation of State Bank of India Employees Welfare Association by the petitioners and others. It is specifically denied that the office bearers of the Staff Union and the Management have started victimizing and terrorizing the activists and sympathizers of Welfare Association. Firstly the office bearers of the Staff Union not been made as parties and mere a bald allegation that the Staff Union and the Management colluded together so as to victimize the petitioners cannot be accepted in the absence of any details of factual foundation. Therefore, the transfer orders do not suffer from any *mala fides* on the part of the transferring authority. So also it is not a case where the transfers were made by way of punishment. It is the specific case of the respondents that the transfers were made purely on administrative grounds in view of opening of new branches or on account of acute shortage of hands at Rural or Semi-Urban branches. Further it is not a case of victimizing any person because along with the petitioners more than 20 employees have been transferred on administrative grounds during the relevant point of time. Therefore, viewed from any angle, the transfer orders do not suffer from any incurable infirmities so as to call for interference by this court.

The writ petitions are totally devoid of merit and they are accordingly dismissed. However, this order will not preclude the respondents in taking appropriate decision while implementing the

redeployment/transfer policy in accordance with the settlement arrived at between the parties dated 22.7.2003 and the operational guidelines dated 28.12.2004 in respect of petitioners also. However, the petitioners can make representation to the respondents and the same shall have to be considered in accordance with the rules and the scheme governing the transfers.

_____

K.C. Bhanu, J.

Date: --04—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy General Manager, State Bank of India, Tirupathi Zonal Office, Tirupathi. .
2 The Asst. General Manager, State Bank of India, Anantapur, Main Branch, Ananthapur.
3 The Assistnat General Manager, Region, V, SBI Zonal Office, Tirupathi, Chittoor District.

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